

II. REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, and in light of the remarks that follow are respectfully requested.

Claims 1, 8, 16, 17, 19, 20, 22, 25, 27-29, 31, 33, 34, 36, 37, 39, 42-44, 50, 51, 53, 54, 56, 61, and 68-71 are pending in this application. Claims 1, 17, 19, 20, 22, 27, 28, 29, 31, 36, 37, 39, 42, 53, 54, 56, 61, 68, 69 and 70 are currently amended. In general, the claims are amended to clarify when a central processor is performing the steps of the method, clarify that the central processor is receiving requests, and clarifying that the terminals are merchant terminals.

The non-final Office Action mailed April 25, 2006 rejected claims 1, 3, 4, 8, 16, 17, 19, 20, 22, 25, 27-34, 36, 37, 39, 42-44, 50, 51, 53, 54, 56, 61, and 68-71 (all pending claims) as unpatentable over Hirka et al. (U.S. Publication No. 2003/0061157) in view of Thomas et al. (U.S. Patent 6,173,272). The Applicant traverses these rejections, and asserts that all of the claims are in condition for allowance.

A. INTERVIEW

Applicants would like to express gratitude to Examiner Subramanian and Supervisory Examiner Hyung Sub Sough for their assistance and cooperation during the in-person interview of August 3, 2006, that was attended by the Philip Graves, an inventor, Philip Chakiris, a representative of the assignee, David Baker and the undersigned, counsels of record for the Applicants. During the interview the pending Office Action and the Hirka and Thomas references were discussed, as were general comments regarding the technology underlying the application.

During the interview, Applicants presented Examiners Subramanian and Sough with several draft claim amendments, to which upon their initial review the Examiners reacted favorably. Several of these proposed amendments are incorporated into the instant Response. A misunderstanding as to the use of the term “trusted source” was also identified, and its use within the present application was understood by the Examiners.

Again, Applicants would like to thank Examiners Subramanian and Sough for their assistance.

B. CLAIMS 1, 31, AND 42 (ALL INDEPENDENT CLAIMS)

The Office Action asserts that Hirka and Thomas disclose all of the limitations of claims 1, 31, and 42 (all of the independent claims). Specifically, the Office Action admits (at page 3) that Hirka does not explicitly teach the step of determining at least one of: whether the respective requesting terminal is a trusted source of processing requests; and whether the communications network is a trusted communications network for carrying or transmitting processing requests; and processing the request based on the determining step.

The Office Action asserts that the “determining step is inherent in the disclosure of Thomas.” *See* Office Action, p. 3. No basis in fact or technical reasoning is provided to support the assertion of inherency. The Applicant respectfully traverses the assertion of inherency.

Specifically, Thomas does not expressly or inherently disclose the step requiring “determining at least one of: whether the respective requesting merchant terminal is a trusted source of processing requests; and whether the communications network is a trusted communications network for carrying or transmitting processing requests; and processing the request based on the determining step.”

The Manual of Patent Examining Procedure (MPEP) § 2112 (IV) states that the Examiner must provide rational or evidence tending to show inherency:

“In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

No basis in fact or technical reasoning has been provided to support the assertion of inherency, and the Applicants traverse the assertion of inherency. For at least this reason, independent claims 1, 31, and 42 are in condition for allowance.

Accordingly, Applicants respectfully submit that Hirka in view of Thomas does not disclose, teach, or suggest the claim elements of claim 1, 31, or 42. Because Hirka and Thomas combined do not teach, disclose or suggest the features of claim 1, 31, or 42, the Applicants respectfully request that the rejections of claim 1, 31, and 42 under 35 U.S.C. 103(a) be withdrawn.

C. ALL DEPENDENT CLAIMS

All dependent claims 3, 4, 8, 16, 17, 19, 20, 22, 25, 27-30, 32-34, 36, 37, 39, 43-44, 50, 51, 53, 54, 56, 61, and 68-71 depend directly or indirectly from independent claims 1, 31, and 42. As discussed above, independent claims 1, 31, and 42 are in condition for allowance. All dependent claims further limit said independent claims, and thus are also in condition for allowance for at least this reason.

The Applicants submit that claims 8, 16, 17, 19, 20, 22, 25, 27-29, 33, 34, 36, 37, 39, 43-44, 50, 51, 53, 54, 56, 61, and 68-71 are dependent on claim 1, 31 or 42, which have been shown

to be patentable over the cited references. The Applicants therefore submit that claims 8, 16, 17, 19, 20, 22, 25, 27-29, 33, 34, 36, 37, 39, 43-44, 50, 51, 53, 54, 56, 61, and 68-71 must also be patentable over Hirka in view of Thomas and therefore respectfully request that the rejection of claims 8, 16, 17, 19, 20, 22, 25, 27-29, 33, 34, 36, 37, 39, 43-44, 50, 51, 53, 54, 56, 61, and 68-71 under 35 U.S.C. 103(a) be withdrawn.

III. CONCLUSION

For at least the reasons set forth above, the Applicants respectfully submit that claims 1, 3, 4, 8, 16, 17, 19, 20, 22, 25, 27-34, 36, 37, 39, 42-44, 50, 51, 53, 54, 56, 61, and 68-71 are in condition for allowance. The Applicants request that the present Amendment be entered.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative. Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 50-0206 for any fees or overpayments related to the entry of this Amendment, including any extension of time fees and new claims fees.

Respectfully submitted,

Dated: November 29, 2006


Gregory M. Murphy, Reg. No. 52,494
Attorney for Applicant
Telephone: (804) 788-8762
Facsimile: (804) 343-4598

Please Direct all Correspondence to:
J. Michael Martinez de Andino, Esq.
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-40